

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Solomon S. Steiner, Rodney J. Woods, and Joseph W. Sulner

Serial No: 10/719,734

Art Unit: 1616

Filed: November 21, 2003

Examiner: Alstrum Acevedo, James
Henry

For: *PURIFICATION AND STABILIZATION OF PEPTIDE AND PROTEIN
PHARMACEUTICAL AGENTS*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER TWO (2) ISSUED PATENTS**

Sir:


Petitioner, Mannkind Corporation, is the owner of the entire interest in the above-identified application and U.S. Patent Nos. 6,444,226, issued September 3, 2002, and 6,652,885, issued November 25, 2003, as evidenced by the accompanying three (3) Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent Nos. 6,444,226 and 6,652,885. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U. S. Patent Nos. 6,444,226 and 6,652,885 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U. S. Patent Nos. 6,444,226 and 6,652,885, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Mannkind Corporation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MANNKIND CORPORATION

By: 

Name: David Thomson

Title: Vice President

Date: November 13, 2006